

**Appln No. 10/089,751**

**Amdt date January 20, 2006**

**Reply to Office action of September 21, 2005**

### **REMARKS/ARGUMENTS**

Reconsideration of the application is respectfully requested. Claims 27 - 54 are pending in the application.

The drawings have been objected to with respect to reference character 163. Corrected drawings sheet Figure 2b is enclosed in which reference numeral 163 has been changed to reference number 162.

The specification has been objected to for various informalities. The specification has been amended on pages 13 and 14 as requested by the Examiner.

Claims 27 - 32, 37, 38, 41, 42 and 52 - 54 have been rejected as allegedly anticipated by Cowan. This rejection is respectfully traversed. Claims 27, 53 and 54 are directed to a subsea lubricator for attachment to a subsea Christmas tree, comprising at least one tree passage therethrough including among other elements at least one bypass assembly comprising at least one bypass passage which communicates with the at least one tree passage in the subsea Christmas tree. Claim 42 is directed to a method for circulating fluid in a subsea lubricator attached to a subsea Christmas tree landed on a subsea well, the method comprising among other elements, providing at least one bypass passage fluidly connecting the subsea lubricator to the subsea Christmas tree.

Cowan discloses a sub-sea wire line grease control system mounted on a sub-sea well head. Figure 1 of Cowan specifically illustrates the grease control system mounted on the well head. The specification does mention in passing the grease control system could be mounted on a subsea Christmas tree. However, it is respectfully submitted that nowhere in Cowan are specifics of a grease control system with respect to use on a subsea Christmas tree, disclosed or explained. Even with a lack of disclosure for use with a subsea Christmas tree, Cowan does not anticipate the claimed invention because it discloses a grease circulation system, and not the claimed bypass assembly. In addition, the grease circulation system in Cowan does not anticipate the claimed invention because it does not communicate with a tree passage as claimed.

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As can be seen from Figure 2A in the specification of Cowan, namely pages 15 and 16, grease is injected through line 21a (and 108, 109) into the grease control head 6. When the wireline is pulled upwards, surplus grease wiped from the control head is conveyed through outlet 102 through line 107, to the hydraulic accumulators 103. These accumulators are controlled by hydraulic pressure in order to release grease through the line 108a and into the wireline valve 5b. In this way grease can be circulated through the system with the accumulators 103 providing control of the pressure of the grease injected through the line 108a. As stated above, the grease injection system as disclosed by Cowan is intended to be located on top of the stack of the well head, i.e. at 64 in Figure 1. Consequently, Cowan does not disclose the claimed subsea lubricator for attachment to a subsea Christmas tree comprising at least one passage therethrough and having at least one bypass assembly comprising at least one bypass passage which communicates with the at least one tree passage in the subsea Christmas tree as recited in each of claims 1 and 52 through 54. It is respectfully requested that this rejection be withdrawn.

In addition, with respect to claim 52, Cowan does not disclose the claimed crossover. The assembly, (91, 90, 100) referred to by the Examiner is part of a grease wiper system, and not the claimed crossover. With respect to claim 53, Cowan also does not disclose a valve assembly with inlets and outlets as claimed, but merely discloses independent control valves for the grease injection. In addition, with respect to claim 54, Cowan does not disclose the claimed adaptor attachable to the pressure control assembly and adapted to be connected to a Christmas tree. Figure 8 does not disclose an adaptor as recited by the Examiner, but rather is a multiple quick connector for connecting the umbilical to the lubricator.

With respect to claim 42, Cowan does not disclose the claimed step of injecting a first external fluid into the subsea lubricator to displace a first internal fluid within the subsea lubricator. The advantage of this step is that the injected fluid is grease which is intended to be used as a pressure barrier. There is no mention of grease being used to displace another fluid in Cowan. In addition, Cowan does not disclose the claimed step of circulating the first internal fluid to the subsea well through the bypass passage or into an external flowline as claimed.

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There is no mention or disclosure in Cowan that grease is circulated into the well or circulated into a flow line as claimed considering no flowline is shown or disclosed by Cowan.

Claim 49 has been rejected as allegedly anticipated by Coutts. This rejection is respectfully traversed. Claim 49 recites a method for killing a subsea well having a subsea Christmas tree landed thereon including the steps of providing at least one bypass passage fluidly connecting the subsea Christmas tree with a source of kill fluid. Coutts does not disclose a bypass passage as claimed. Coutts discloses a subsea blowout preventer mounted on a well head having means to kill a well. As shown in Figure 1, Coutts only discloses a blowout preventer with a subsea test tree mounted on a well head for testing of a well. Coutts does not disclose a Christmas tree with the bypass passage fluidly connected to the subsea Christmas tree and therefore does not anticipate the claimed invention. It is respectfully requested that the rejection be withdrawn.

Claims 33 - 36, 39, 50 and 51 have been rejected as allegedly obvious over Cowan in view of Schroeder et al. This rejection is respectfully traversed. Claims 33 -36 and 39 depend from claim 27 and are allowable for at least the reasons recited above. Claims 50 and 51 are directed to a method of circulating fluids in a subsea well having a subsea Christmas tree landed thereon including the step of circulating fluid through a system including a lower bypass pipe. As recited above Cowan does not disclose the claimed bypass pipe. The Examiner has cited Schroeder as disclosing an outlet (68) fluidly connected to an annulus passage in a subsea production tree, citing Figure 3. Applicant respectfully disagrees with the Examiner's classification of the disclosure of Schroeder. It is respectfully submitted that Schroeder does not disclose a well intervention system, but rather recites a production system for a multi-phase flow comprising a manifold and a separator. The bypass passage 68 disclosed in Schroeder is arranged in conjunction with a pump, see column 4, line 55. This arrangement has no significance with respect to the claimed subsea lubricator. It is respectfully submitted that one of ordinary skill in the art in designing the claimed method for circulating fluids in a subsea well having a subsea Christmas tree would not consider the non-analogous art of Schroeder which is directed to a production system. Including a bypass passage arrangement in connection with a

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pump for a manifold and separator configuration is entirely different from the claimed subsea lubricator. It is respectfully submitted that one of ordinary skill in the art would not combine the teachings of Schroeder and Cowan considering they address completely different problems.

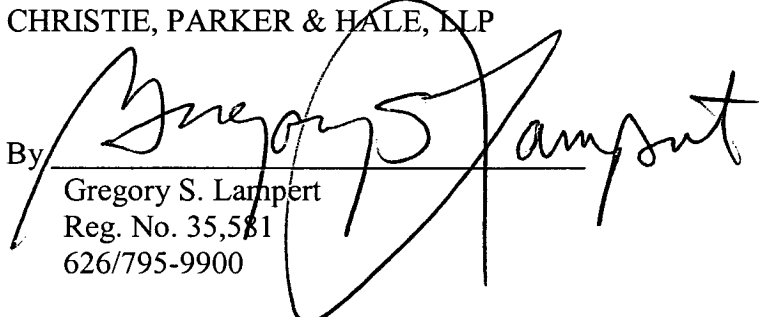
Although the Examiner has cited in the Office action some of the art disclosed by Application in two Information Disclosure Statements, the two previously submitted PTO/SB/08A/B forms have not been initialized and returned. Applicant respectfully requests the Examiner to initial and return both PTO/SB/08A/B forms previously submitted with the next communication from the Office, copies of which are hereby attached as Appendix B.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is now in condition for allowance, and, accordingly, early indication thereof is respectfully requested.

Respectfully submitted,

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**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Figure 2b. This sheet, which includes Figure 2b, replaces the original sheet including Figure 2b.

Attachment:            Replacement Sheet  
                             Annotated Sheet Showing Changes

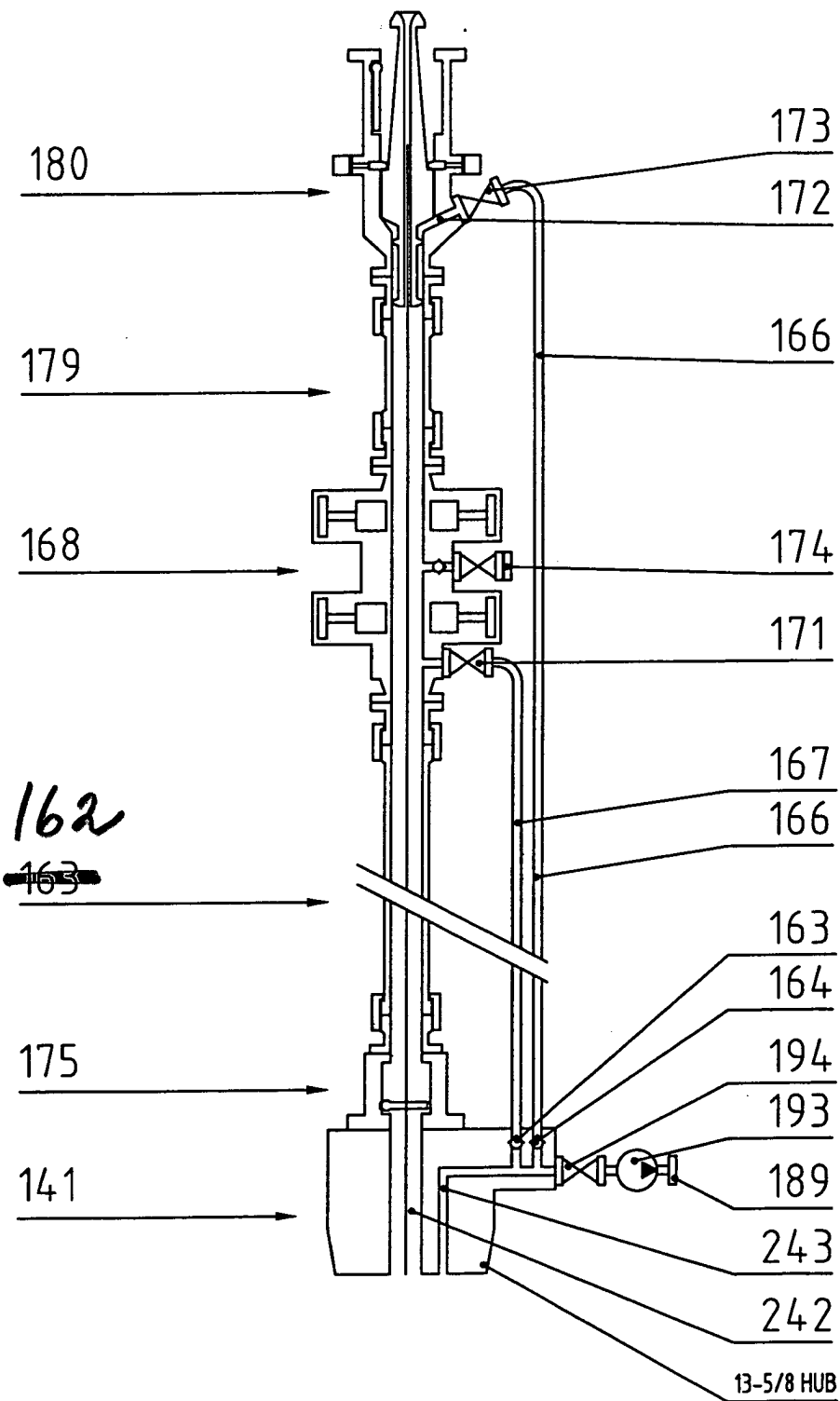


Fig2b